

**REMARKS/ARGUMENTS**

In response to the Office Action dated July 13, 2005, claims 2, 3, 5, 7, 8, 11 and 16 are amended, claims 6, 9, 10 and 12-15 are canceled, and claim 18 is newly added. Claims 1-5, 7, 8, 11 and 16-18 are now active in this application.

The indication that claims 1-5 and 17 are allowable is acknowledged and appreciated.

Claims 2, 3, 5 and 16 are amended to correct punctuation and not to change the scope thereof.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102**

I. Claims 6-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Takeuchi et al. (USPN 5,267,154).

The rejection is moot as to cancelled claims 6, 9, 10 and 12.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

To expedite prosecution, claim 11 is amended to delineate, *inter alia*:

modifying the second standard model based on the measured data, and based on the corresponding points or the corresponding lines of the modified first standard model.

In Takeuchi et al., the First Model (a biological image) is modified based on measured data, and the Second Model (material feeding) is modified **not** based on the measured data, but corresponding to the First Model. In contrast, the invention recited in amended claim 11 is that both the First Model and the Second Model are modified based on the measured data and the Second Model is modified corresponding to the (modified) First Model. Therefore, according to the invention recited in amended claim 11, the Second Model can be modified to conform to the measured data without contradiction to the First Model. For example, when a human head is modified, hair or the like (the Second Model) can be satisfactorily fit to a face (the First Model).

Thus, amended independent claim 11 is patentable over Takeuchi et al., as are dependent claims 7 and 8, amended to depend from amended independent claim 11.

**II.** Claims 13-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kellas et al. (USPN 5,142,616).

The rejection is moot as to cancelled claims 13-15 and respectfully traversed as to claim 16.

Kellas et al. fails to disclose the first step using (low-density) control points and the second step using control points whose number is larger than that of the part of the control points which have been used in the previous modification (i.e., using high-density control points). Kellas merely discloses generating a low resolution image from an image, performing a certain image modification operation to the low resolution image, and then restoring the low resolution image to a high resolution image. The purpose of Kellas et al. is to reduce a user interface. Meanwhile, a feature of the invention recited in claim 16 is the step of modifying a standard model by using low-density control points and then modifying the (modified) standard model by

using high-density control points. Therefore, time for the modifying operation can be shortened. In addition, the invention recited in claim 16 can produce an effect of reproducing a topical shape of an object with high precision at the same time with reproducing a shape as a whole of the object. Kellas et al. fails to disclose such invention.

Thus, claim 16 is patentable over Kellas et al. and its allowance is respectfully solicited.

New claim 18, depending from claim 16, is submitted and delineates:

the part of the plurality of control points defined on the standard model whose positions are changed in the step of modifying the standard model are low-density control points,

the part of the plurality of control points whose positions are changed in the step of modifying the modified standard model are high-density control points, and

the low-density control points are determined by reducing control points from the high-density control points.

The features recited in dependent claim 18 are not disclosed or suggested in Kellas et al. Consequently, the allowance of dependent claim 18 is respectfully solicited also.

## **CONCLUSION**

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

**Application No.: 09/893,897**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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